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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20054

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Amendment of Section 73.202(b) )

Table of Allotments )

FM Broadcast Stations )

Graham, TX )

MM Docket No. 99-233

RM-9662

To: Kathleen Scheuerle  
Allocations Branch

COUNTERPROPOSAL

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August 16, 1999

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### SUMMARY

Petitioner seeks the allotment of FM channel 253A to Graham, TX, as a "second [local] FM service." <sup>1/</sup> See Petition for Rule Making at 1. In fact, if granted, it would be the **third** local aural service allocated to Graham, TX. <sup>2/</sup>

By this **Counterproposal**, NTRG proposes to upgrade its FM station KBOC (FM) at Bridgeport, TX from Class A to a full Class C and to make several related changes that will result in numerous public interest benefits, including the provision of new "first local service" to several communities in Texas and in Oklahoma.

In short, the **Counterproposal** includes:

1. **BRIDGEPORT, TX** -- downgrade Station KJMZ (FM), at Lawton, OK, from channel 251C1 to channel 251A (but increase KJMZ's HAAT and replace current horizontally-polarized antenna with circularly-polarized antenna to improve service to Lawton) and upgrade Station KBOC-FM at **Bridgeport, TX** from channel 252A to 252C; and

2. **RANGER, TX** -- delete channel 252A at **Stephenville, TX**, allot channel 253A to **Ranger, TX** as a "first local aural service" and modify the license of station KCUB (FM) to specify operation on channel 253A at Ranger, TX; and

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<sup>1/</sup> The May 26, 1999 Petition, filed by Graham Tollway Broadcasting Co., erroneously represents in the indented allocation box on page one that there are no "Present" allocations to Graham, TX.

<sup>2/</sup> Already allotted to Graham, TX, is Station KWKQ (FM), channel 296C3 (with a pending RM proposal to substitute channel 234C3). Moreover, Station KSWA (AM) is also licensed to Graham, TX. In addition, Translator Station K220EZ (channel 220D) is licensed to Graham, TX.

3. **PRICE, TX** -- allot channel 253A as a "first local aural service" at **Price, TX**; and

4. **TECUMSEH, OK** -- delete channel 253C3 at well served **Ardmore, OK**, allot channel 253A as "first local aural service" at **Tecumseh, OK** and modify license of KACO (FM) to specify operation on channel 253A at Tecumseh, OK; and

5. **PALESTINE, TX** -- downgrade Station KYYK (FM) at **Palestine, TX** from a C-2 to a C-3 facility and move its antenna site into the city of Palestine so as to improve its service to the city of license; and

6. **FORT TOWSON, OK** -- delete channel 253C3 at **Bonham, TX**, allot channel 262A at **Fort Towson, OK** as a "first local aural service" and modify the license of KFYZ (FM) to specify operation on channel 262A at Fort Towson, OK.

The foregoing changes to the FCC's Table of Allotments proposed in this **Counterproposal** will provide improved FM service -- as well as new FM service -- to numerous communities in Texas and Oklahoma. The net public interest benefits, described below, will result in a preferential arrangement of FM allotments. See Revision of FM Assignment Policies & Procedures, 90 FCC 2d 86, 90 (1982).

## DISCUSSION

In order to upgrade its Station KBOC (FM), Bridgeport, TX, to the greatest extent possible, <sup>3/</sup> NTRG proposes (i) a series of minor modifications to other licensed stations, (ii) three "changes of community" for three licensed stations in order to provide "first local aural service" to those three communities and (iii) the allotment of a new FM channel to provide a "first local service" to a fourth community.

I. LAWTON, OK At Lawton, OK, NTRG proposes a simple downgrade of Station KJMZ (FM) from ch. 251C1 to ch. 251A. <sup>4/</sup>

In addition to removing one of the obstacles to the upgrade of KBOC (FM) at Bridgeport, the change requested for KJMZ (FM) is likely to actually improve service to that licensee's community of license and to nearby Ft. Sill, OK. <sup>5/</sup> In addi

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<sup>3/</sup> NTRG proposes to upgrade KBOC (FM) from channel 252A to channel 252C at Bridgeport, TX, in order to maximize its service. See 47 USC 307(b). The city of Bridgeport, TX has experienced rapid growth in the last decade. The City's booming economy and housing expansion requires the substitution of a wide-area radio service.

<sup>4/</sup> On or about July 28, 1999, the licensee of KJMZ (FM) -- Perry Broadcasting of Lawton, Inc. -- agreed in a contingent "Facility Change Agreement" with NTRG that, subject to prior FCC approval, its station KJMZ (FM) will make the changes herein requested by NTRG.

<sup>5/</sup> KJMZ (FM) is currently licensed at 100 KW at approximately 202 feet, operating on a "short," directional AM tower with a horizontally polarized antenna. The center of radiation of the KJMZ (FM) antenna is less than 160 feet above ground. At the proposed new site, KJMZ (FM) will install a circularly-polarized antenna on a 328-foot tower and, as a result, have an improved signal over Lawton and the commercially important Ft. Sill military base.

tion, the downgrade of Station KJMZ (FM) at Lawton, OK, from ch. 251C1 to 251A also enables NTRG to propose a "first local service" on channel 253A at Tecumseh, OK. See Discussion, infra at para. V.

Finally, from the proposed allotment site only 9.1 kilometers northwest of Lawton, KJMZ (FM)'s new facility will provide City-Grade coverage to Lawton and will fully comply with the FCC's minimum spacing rules, including the proposed allotment of channel 252C at Bridgeport, TX. See Attachment A (Engineering Statement).

**II. RANGER, TX and STEPHENVILLE, TX** NTRG also proposes to (i) delete channel 252A at Stephenville, TX, <sup>6/</sup> (ii) allot channel 253A to Ranger, TX as that community's "first local aural service" and (iii) modify the license of Station KCUB (FM), Stephenville, TX to specify operation on channel 253A at Ranger, TX.

First, the deletion of channel 252A at Stephenville will not deprive that community of its only local aural service. <sup>7/</sup>

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<sup>6/</sup> On or about July 28, 1999, the licensee of KCUB (FM) -- Reese Broadcasting, LLC, -- agreed in a contingent "Facility Change Agreement" with NTRG that, subject to prior FCC approval, its station KCUB (FM) will make the changes herein requested by NTRG.

<sup>7/</sup> KSTV (AM) is licensed to Stephenville. Co-owned KSTV (FM) places a City-Grade signal over and has its Main Studio in Stephenville. See Krum, TX, Report and Order, MM Docket No. 98-50, rel. March 12, 1999, at para. 5. Moreover, two other nearby FM stations place City-Grade signals over Stephenville: KMRT (FM)'s antenna site is only 11 miles from Stephenville and its signal (100 KW at 996 feet) city-grades Stephenville. Likewise, KTFW (FM) operates at 25KW from a 1500-ft. tower only 9 miles from and places a City-Grade signal over Stephenville, TX (and provides special programming for Stephenville's Tarleton State College). See Krum, TX, supra.

Second, the incorporated city of Ranger, TX -- whose 1990 population was 2,632 -- is deserving of a "first local aural service." Like other communities to which the FCC has allotted a "first local service," Ranger has its own mayor, city hall and city government, its own police and fire departments, its own sewer department, post office and city library. Ranger also has its own school system, senior center, medical clinics and is home to Ranger College, whose enrollment last year totalled approximately 650 students. Ranger's principal employer is Harv-al Athletic Wear, which employs over 50 persons. Ranger also has several motels, groceries and other retail businesses.

Third, the requested change will result in a more efficient use of the FM radio spectrum. Because Station KCUB (FM)'s current allotment at Stephenville, TX is grandfathered at only 3 KW, the movement of its antenna site in the direction of Ranger, TX, will permit the construction of a full (6 KW) Class A facility. See Attachment A.

Finally, from the proposed allotment site, KCUB (FM)'s new facility not only will provide City-Grade coverage to Ranger, TX but also will fully comply with the FCC's minimum spacing rules, including the proposed allotment of channel 252C at Bridgeport, TX. See Attachment A (Engineering Statement).

**III. PALESTINE, TX** NTRG also proposes to (i) downgrade Station KYYK (FM), Palestine, TX, <sup>8/</sup> from ch. 252C2 to ch. 252C3 -- not only to accommodate the upgrade of NTRG's Bridgeport, TX

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<sup>8/</sup> NTRG is the licensee of KYYK (FM), Palestine, TX.

Station but also to improve Station KYYK (FM)'s service to its own community of license.

By moving KYYK (FM)'s antenna site from the current location -- some 22 miles from Palestine -- to a site within the city limits of Palestine, KYYK (FM)'s signal as a Class C3 facility will actually improve KYYK (FM)'s service to Palestine (pop. 18,042), notwithstanding the technical downgrade. <sup>2/</sup>

From the proposed allotment site, KYYK (FM)'s new facility not only will provide (enchanced) City-Grade coverage to Palestine, TX, but also will fully comply with the FCC's minimum spacing rules, including the proposed allotment of channel 252C at Bridgeport, TX. See Attachment A (Engineering Statement).

**IV. PRICE, TX** The downgrade and antenna site change for KYYK (FM) at Palestine, TX, would permit the allotment of channel 253A to Price, TX, as a "first local aural service."

First, the community of Price, TX -- with a current population of over 900 persons -- <sup>10/</sup> is deserving of a "first local service" under the FCC's rules. See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 5 FCC Rcd 7094,

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<sup>2/</sup> The proposed improvement in KYYK (FM)'s service to Palestine is timely, inasmuch as KLIS has obtained FCC approval to delete its allotment at Palestine and move its antenna site 22 miles from Palestine in order to commence service to Frankston, TX.

<sup>10/</sup> According to the superintendent of the Price School District, there were 483 students enrolled in Price schools last year and it is estimated that the population of Price is now about 900 persons (confirmed by the Price Water District, which has over 300 meters and estimates 3 persons per meter).



7096 (1990). Like other communities to which the FCC has allotted a "first local service," Price has a fire department, its own water system, a city park, a school system, churches, a post office, grocery stores and other retail businesses.

Finally, from the proposed allotment site, the proposed channel 253A facility not only will provide City-Grade coverage to Price, TX, but also will fully comply with the FCC's minimum spacing rules. See Attachment A (Engineering Statement). <sup>11/</sup>

**V. ARDMORE, OK and TECUMSEH, OK.** NTRG also proposes to (i) delete channel 253C3 at Ardmore, OK, (ii) <sup>12/</sup> allot channel 251A at Tecumseh, OK as a "first local aural service" and (iii) modify the license of Station KACO (FM), Ardmore, OK, to specify operation on channel 251A at Tecumseh, OK. <sup>13/</sup>

First, the deletion of channel 253C3 at Ardmore, OK will not deprive that "well served" community of its only local aural service. <sup>14/</sup>

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<sup>11/</sup> NTRG submits that the proposed allotment of channel 253A at Price, TX would serve the public interest. Nevertheless, should the FCC conclude not to allot a new FM service at Price, TX, that decision would not impact on the balance of this **Counterproposal**.

<sup>12/</sup> On or about July 28, 1999, the licensee of Station KACO (FM), Ardmore, OK, agreed in a Facility Change Agreement with NTRG that, subject to prior FCC consent, its station KACO (FM) will make the changes requested herein.

<sup>13/</sup> The allotment requested for Tecumseh would not be possible without downgrade of channel 251C1 at Lawton, OK. See Discussion, supra, at 3.

<sup>14/</sup> Full-time KVSO (AM), full-time KKAJ (FM), KLCU (FM), a non-commercial FM (operated by Cameron University) are licensed to Ardmore. Moreover, an unbuilt C-3 FM station has been allocated to nearby Dickson, TX, which will city-grade Ardmore, OK. See Krum, TX, supra.

Second, the incorporated city of Tecumseh, OK -- whose 1990 population was over 6,200 persons <sup>15/</sup> -- is deserving of a "first local broadcast service." Like other communities to whom the FCC has allotted a "first local service," Tecumseh has a mayor, city council, city hall, chamber of commerce, police and fire departments and its own school system (with 5 local schools). Tecumseh also has its own water/sewer system, medical clinics and a hospital, a post office, a city library, dozens of retail stores, and numerous local civic groups (Odd Fellows, Kiwanis, Tecumseh Youth Group etc.).

Finally, from the proposed allotment site, the proposed channel 251A facility not only will provide City-Grade coverage to Tecumseh, OK, but also will fully comply with the FCC's minimum spacing rules, including the proposed allotment of channel 252C at Bridgeport, TX. See Attachment A (Engineering Statement).

**VI. BONHAM, TX and FORT TOWSON, OK.** NTRG also proposes to (i) delete channel 253C3 at Bonham, TX, (ii) allot channel 262A at Fort Towson, OK and (iii) modify the license of Station KFYZ (FM), Bonham, TX to specify operation on channel 262A at Fort Towson, OK. <sup>16/</sup>

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<sup>15/</sup> The clerk of the Municipal Court estimates the current population of Tecumseh as close to 7,000 persons.

<sup>16/</sup> NTRG is the licensee of KFYZ-FM, Bonham, TX.

First, the deletion of channel 253C3 at Bonham, TX will not deprive that community of its only local aural service. <sup>17/</sup>

Second, the incorporated city of Fort Towson, OK -- whose current population is over 1,000 persons -- <sup>18/</sup> is deserving of a "first local service." Fort Towson has its own police and fire departments, Municipal Board, post office, library and its own school system. Like other "communities" to which the FCC has allocated a "first local service," Fort Towson has numerous commercial businesses, a mayor and council, a local medical and nutrition center and local civic organizations.

Finally, from the proposed allotment site, the proposed, new channel 262A facility not only will provide City-Grade coverage to Fort Towson, OK, but also will fully comply with the FCC's minimum spacing rules, including the proposed allotment of channel 252C at Bridgeport, TX. See Attachment A (Engineering Statement).

**VII. BRIDGEPORT, TX** The foregoing requested changes to the FCC's Table of FM Allotments will accommodate the proposed maximum improvement and simple upgrade of NTRG's Station KBOC (FM) at Bridgeport, TX (ch. 252A to 252C).

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<sup>17/</sup> Station KFYN, a non-directional full-time AM station, is licensed to Bonham, TX. Moreover, Station KLAK (FM), whose antenna site is only 12 miles from Bonham, is a C-2 facility that places a City-Grade signal over Bonham. See Krum, Tx, supra. Likewise, Station KXEB (AM)(10KW) places a City-Grade signal over Bonham, TX. Id.

<sup>18/</sup> Phone interview by counsel with City Clerk of Fort Towson, OK on August 11, 1999.

The proposed upgrade of Station KBOC (FM) also fully protects an existing application (BPH-990527ID) for station KRYL (FM) at Gatesville, TX. See Attachment A (Engineering Statement).

From the proposed allotment site, the proposed upgrade of station KBOC (FM) not only will provide City-Grade coverage to Bridgeport, TX, but also will fully comply with the FCC's minimum spacing rules. See Attachment A (Engineering Statement).

### **CONCLUSION**

Compared to the Petitioner's proposal to allot merely a second FM (third local aural service) to Graham, TX, <sup>19/</sup> NTRG's **Counterproposal** contains substantially more net public interest benefits and should be adopted.

Expression of Interest. Upon the FCC's approval of the changes requested and its allotment of the new channels as requested, NTRG (and other licensees with whom NTRG has negotiated facility change agreements) will file applications for each and, if subsequently granted CP's for those changes/channels, will promptly build the new FM facilities. <sup>20/</sup>

In sum, Petitioner's proposal should be denied, the **Counterproposal should be granted** and the FM Table of Allotments should be amended as follows:

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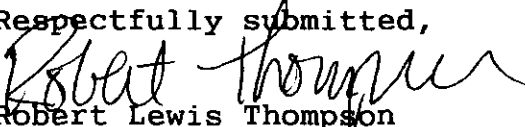
<sup>19/</sup> Graham, TX had a 1990 population of 8,968 persons.

<sup>20/</sup> Specifically, NTRG intends to file applications for and, if awarded CP's, to promptly construct new FM stations at Ranger, TX, Tecumseh, OK, Price, TX and Fort Towson, OK.

<u>Community</u>	<u>Present Allotments</u>	<u>Proposed Allotments</u>
Bridgeport, TX	252A	252C
Stephenville, TX	252A	---
Palestine, TX	244C2 <sup>21/</sup> , 252C2	244C2, 252C3
Bonham, TX	252C3	---
Ardmore, OK	239C1, 253C3	239C1
Lawton, OK	231C2, 237C3, 251C1 258C3, 268C1, 297C2	231C2, 237C3, 251A 258C3, 268C1, 297C2
Ranger, TX	---	253A
Price, TX	---	253A
Tecumseh, OK	---	251A
Fort Towson, OK	---	262A

A grant of the **Counterproposal** will not only enable station KBOC (FM) to realize its maximum potential but would provide more than 10,000 persons with a first local aural service -- the second highest FM allocations priority -- resulting in a preferential arrangement of FM allocations. See Revision of FM Assignment Policies & Procedures, 90 FCC 2d 86, 90 (1982).

Respectfully submitted,

  
 Robert Lewis Thompson  
**TAYLOR THIEMANN & AITKEN, L.C.**  
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 Alexandria, VA 22314

Counsel for NTRG

August 16, 1999

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<sup>21/</sup> See MM Docket 98-37 (move to ch. 244C2 at Frankston, TX).

ORIGINAL

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**COMMENTS AND COUNTERPROPOSAL**  
MM Docket 99-233  
August 1999

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STATE OF ILLINOIS            )  
                                  )        SS:  
COUNTY OF PEORIA            )

F. W. Hannel, after being duly sworn upon oath,  
deposes and states:

He is a registered Professional Engineer, by  
examination, in the State of Illinois;

He is a graduate Electrical Engineer, holding  
Bachelor of Science and Master of Science degrees, both in  
Electrical Engineering;

His qualifications are a matter of public record and  
have been accepted in prior filings and appearances requiring  
scrutiny of his professional qualifications;

The attached Engineering Report was prepared by him  
personally or under his supervision and direction and;

The facts stated herein are true, correct, and  
complete to the best of his knowledge and belief.

August 14, 1999

  
\_\_\_\_\_  
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**COMMENTS AND COUNTERPROPOSAL**

MM Docket 99-233  
August 1999

**ENGINEERING STATEMENT**

This firm has been retained by North Texas Radio Group, L.P., licensee of Radio Station KBOC(FM), Bridgeport, Texas, to prepare this engineering statement in support of its Comments and Counterproposal in the above captioned proceeding.

**Summary**

The Commission, by Public Notice dated June 25, 1999, has proposed the allotment of FM Channel 253A to the community of Graham, Texas as that community's third aural service<sup>1</sup>.

As a counterproposal in this proceeding, NTRG, is proposing that the Commission upgrade the presently assigned FM Channel 252A at Bridgeport, Texas to FM Channel 252C, as that community's first wide coverage area FM Station, and amend the license of Radio Station KBOC(FM) to specify operation on the upgraded channel. In order to upgrade the channel at Bridgeport, Texas, NTRG, is proposing several other related changes in the FM Table of Allotments each of which provide substantial additional public interest improvements. The proposal includes establishing first local service to several communities in Texas and Oklahoma as well as providing improvements in existing FM service and the elimination of short spacings that presently exist between several FM Stations.

To summarize, this Counterproposal includes:

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<sup>1</sup> Graham, Texas is currently served by Radio Station KSWA(AM) operating full time on 1330 kHz, and by Radio Station KWKQ(FM) operating on FM Channel 296C3, both of which are licensed to Graham, Texas.



1. **Bridgeport, Texas.** Upgrade FM Channel 252A to FM Channel 252C and downgrade FM Channel 251C1 at Lawton, Oklahoma to FM Channel 251A, (but increase the HAAT replace the current horizontally polarized antenna system with a circularly polarized antenna to improve the signal to Lawton, Oklahoma), and modify the license of Radio Station KJMZ(FM) accordingly.
2. **Ranger, Texas.** Delete FM Channel 252A, a grandfathered short spaced facility at Stephenville, Texas and allot FM Channel 253A to Ranger, Texas, as a first local service, and amend the license of Radio Station KCUB(FM) accordingly.
3. **Price, Texas.** Allot FM Channel 253A as a first local service.
4. **Tecumseh, Oklahoma.** Delete FM Channel 253C3 from well served Ardmore, Oklahoma and allot FM Channel 251A as a first local service at Tecumseh, Oklahoma, and modify the license of Radio Station KACO(FM) accordingly.
5. **Palestine, Texas.** Downgrade Radio Station KYYK(FM) from FM Channel 252C2 to FM Channel 252C3 and move its site closer to downtown Palestine so as to provide 70 dbu coverage of the entire city from a site within the community.
6. **Fort Towson, Oklahoma.** Delete FM Channel 253C3 at Bonham, Texas and allot FM Channel 262A to Fort Towson, Oklahoma as a first local service, and amend the license of KFYZ(FM) accordingly.

These changes in the FM Table of Allotments as proposed in this Counterproposal will provide improved FM service, as well as new FM service, to numerous communities in Texas and Oklahoma. The net public interest benefits as described below will result in a substantial improvement in the distribution of the FM service to various communities and will result in a preferential arrangement of the FM Table of Allotments in a manner that is vastly superior to the proposal to merely add a third aural service to Graham, Texas.

## **DISCUSSION**

**I. BRIDGEPORT TEXAS AND LAWTON, OK.** The community of Bridgeport, Texas is located at geographic co-ordinates N33-12-36, W97-45-24, and the allotment site for the assignment of FM Channel 252C is N33-25-44, W97-29-34. This allotment site is 34.5 kilometers northeast of the community, and a Class C facility located at these allotment co-ordinates will fully comply with the Commission's city grade illumination requirements. Attached as Exhibit E-1 is an FM Channel Study conducted from the allotment reference co-ordinates which show the channel substitutions that must be made to accommodate the proposed assignment of FM Channel 252C to Bridgeport, Texas.

It is proposed that FM Channel 251C1 at Lawton, Oklahoma, licensed to Radio Station KJMZ(FM), be changed to FM Channel 251A to accommodate the assignment of FM Channel 252C at Bridgeport, Texas. The assignment of FM Channel 251A can be made at Lawton, Oklahoma at allotment site co-ordinates N34-41-37, W98-25-32. This allotment site is located 9.1 kilometers northwest of Lawton, Oklahoma, (US Atlas co-ordinates N34-36-42, W98-24-42), and a transmitter operating from this allotment site will fully illuminate the community with the required city grade signal. The allotment site at Lawton, Oklahoma will be separated from the allotment site for FM Channel 252C at Bridgeport, Texas by the required 165 kilometers for first adjacent class C to A separation as specified in the mileage separation table of the Rules. The attached Exhibit E-2 is an FM Channel Study conducted from the allotment co-ordinates and this study demonstrates that the allotment is in full compliance with the Commission's mileage separation requirements with respect to all other facilities.

**II. RANGER AND STEPHENVILLE, TEXAS.** It is proposed that FM Channel 252A, a grandfathered short spaced Class A facility at Stephenville, Texas, be deleted, that FM Channel 253A be allocated to Ranger, Texas and the license of Radio Station KUBC(FM) be modified to specify operation on FM Channel 253A, a fully spaced Class A facility, at Ranger, Texas as a first local service.

The community of Ranger, Texas is located at geographic co-ordinates N32-28-11, W98-40-43 and has a city population of 2,632 persons. It is located in Eastland County which has a population of 18,488 persons, and the requested assignment of FM Channel 253A to Ranger would provide that community with its first local aural service. A transmitter located at the allotment co-ordinates N32-22-55, W98-44-30 and operating with 6 kw at antenna height 100 meters above average terrain will fully comply with the Commission's minimum mileage separation and city grade illumination requirements. The allotment site is located 11.4 kilometers southwest of the community of Ranger, Texas, (US Atlas co-ordinates N32-28-11, W98-40-43), and the allotment site is 165 kilometers from the allotment of FM Channel 252C at Bridgeport, Texas, as is required for A to C first adjacent channels in the mileage separation table of the Rules. Exhibit E-3 is an FM Channel Study conducted from the allotment co-ordinates at Ranger, Texas which demonstrates that the allotment fully complies with the Commission's minimum mileage separation requirements with respect to all other facilities.

**V. PRICE, TEXAS.** The downgraded facility that is being requested for Palestine, Texas allows the allotment of a first aural service on FM Channel 253A at Price, Texas at allotment reference co-ordinates N32-07-40, W94-47-30. The community of Price, Texas is located at US Atlas co-ordinates N32-07-54, W94-56-42, and a transmitter operating at the allotment reference site will fully illuminate the city with the required 70 dbu signal intensity and fully satisfy the mileage separation requirements of the Rules. The distance from the allotment reference site to the city is 14.5 km, and the distance to the 70 dbu contour, assuming uniform earth, is 16 kilometers. In order to insure that there were no terrain anomalies between the allotment site and the community, coverage using actual terrain was computed, and in the direction of Price the distance to the 70 dbu contour was 16.9 kilometers, well in excess of the uniform earth assumptions.

The community of Price, Texas has a population of 650 persons, according to the Rand McNally Atlas<sup>2</sup>, and is located in Rusk County which has a population of 43,745 persons. The community is fully qualified as a community for allotment purposes under the Commission's Rules. The distance from the reference site for the allotment of FM Channel 252C3 at Palestine, Texas and first adjacent channel 253A that is being requested for Price, Texas is 89 kilometers, as is required by the Commission's Rules for first adjacent channel C3 to A mileage separations. Attached, as Exhibit E-6, is an FM Channel Study conducted from the allotment reference site for Price, Texas, which shows that the allotment is in full compliance with all of the Commission's minimum mileage separation requirements with respect to all other facilities.

**VI. FORT TOWSON, OKLAHOMA AND BONHAM, TEXAS.** It is proposed that FM Channel 253C3 at Bonham, Texas, licensed to Radio Station KFYZ(FM), be deleted, that FM Channel 262A be allotted to Fort Towson, Oklahoma and that the license of KFYZ(FM) be modified to specify operation on FM Channel 262A at Fort Towson. FM Channel 262A can be allotted to Fort Towson, Oklahoma at reference co-ordinates N34-02-37, W95-15-54, which is 2.8 kilometers north of the community of Fort Towson, (US Atlas co-ordinates N34-01-07, W95-15-58), and a transmitter operating from this allotment site will fully comply with the Commission's city grade illumination requirements and the minimum mileage separation requirements of the Rules. Exhibit E-7 is an FM Channel Study conducted from the allotment site co-ordinates which demonstrates compliance with the Commission's required mileage separation distances for FM Channel 262A at Fort Towson, Oklahoma.

Fort Towson has a population of 586 persons according to the Rand McNally Atlas listing and is fully qualified as a community for allotment purposes.<sup>3</sup> It is located in Choctaw County, Oklahoma, which has a population of 8,545 persons, and this assignment would be a first local aural service to Fort Towson.

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<sup>2</sup> Current community population is estimated to be over 900 persons, based on the current number of households determined by the number of houses having water supplied by the local water company.

<sup>3</sup> Current population estimates for Fort Towson, Oklahoma indicate that the population is over 1,000 persons.

**VII. OTHER CONSIDERATIONS.** The only other facility that must be considered in this counterproposal is a pending application, FCC File Number BPH-990527ID, for Radio Station KRYL(FM), Gatesville, Texas. The allotment of FM Channel 252C at Bridgeport fully protects the presently licensed site at Gatesville, however, the site specified in the pending application is slightly short spaced to the allotment reference site for FM Channel 252C at Bridgeport, Texas.

Examination of the pending application reveals that it has been filed under the provisions of Section 73.215 of the Commission's Rules as a short-spaced facility. Consequently, it needs to be protected only in accordance with the contour protection requirements specified in Section 73.215 of the Commission's Rules instead of the minimum mileage separation requirements specified in Section 73.207 of the Rules. Attached as Exhibit E-8 is a contour map showing the actual contours of the proposed facility at Gatesville and the proposed contours of the allotment at Bridgeport, Texas<sup>4</sup>. The attached Exhibit E-9 is a copy of the cover letter accompanying the Gatesville application and a copy of page 19 of FCC Form 301 that was submitted with the application with FCC File Number BPH-990527ID. The contours in Exhibit E-8 were calculated assuming full Class C facilities at the allotment site for Bridgeport and using the facilities specified in the pending application at Gatesville. Examination of this map clearly reveals that the facility specified in the pending Gatesville application receives full protection in accordance with Section 73.215 of the Commission's Rules.

This proposal involves the deletion of FM service to 2 communities, Stephenville and Bonham, Texas, leaving those communities with aural service from an AM facility. While service from an AM facility is considered sufficient for allotment purposes, it should be noted that both of those communities also receive 70 dbu service from several other FM stations. Stephenville is located within the 70 dbu contour of Radio Station KSTV(FM), Dublin, Texas and the studio for that facility is actually located within

---

<sup>4</sup> The application for Gatesville utilizes a directional antenna with major lobe radiation of 1 kilowatt. For purposes of this analysis, non-directional operation at 1 kilowatt is assumed. This is sensible since if Stephenville were moved, Gatesville could seek authorization to operate with a non-directional antenna at the site specified in its pending application. See Exhibit E-9.

the city limits of Stephenville and all sales and programming for the station are conducted within the city of Stephenville. In addition, several other FM Stations are located in the immediate area and provide service to Stephenville.

Similarly, Bonham, Texas is located within the 70 dbu contour of Radio Station KLAK(FM), and also receives service from Radio Station KMKT(FM) located on the same tower with KLAK(FM). These transmitting facilities are located just northwest of Bonham, Texas, (near Dennison, Texas), and both have an identifiable audience in Bonham. Further, it should be noted that Bonham, Texas is located approximately 20 miles northeast of McKinney, Texas and receives FM service from virtually all of the Dallas stations in addition to the aural service received from KFYN(AM) licensed to Bonham. It is clear that Bonham has numerous other FM Stations in its vicinity, and the community is well served by those other FM Stations.

Both Stephenville and Bonham, as is demonstrated above, are well served by other aural services and the removal of one FM service does not deprive either community of adequate aural service.

## CONCLUSION

In view of the foregoing, it is respectfully requested that the Commission adopt this counterproposal and amend the FM Table of Allotments as follows:

City	Present	Proposed
Bridgeport, Texas	252A	252C
Stephenville, Texas	252A <sup>5</sup>	----- <sup>6</sup>
Palestine, Texas	244C2 <sup>7</sup> , 252C2	244C2, 252C3
Bonham, Texas	252C3	----- <sup>8</sup>
Ardmore, Oklahoma	239C1, 253C3	239C1
Lawton, Oklahoma	231C2, 237C3, 251C1 258C3, 268C1, 297C2	231C2, 237C3, 251A 258C3, 268C1, 297C2
Ranger, Texas	-----	253A
Price, Texas	-----	253A
Tecumseh, Oklahoma	-----	251A
Fort Towson, Oklahoma	-----	262A

The adoption of this proposal will result in a number of substantial public interest enhancements as compared to the original proposal to allot a third aural service

<sup>5</sup> FM Channel 252A at Stephenville is a grandfathered short-spaced 3 kw Class A facility.

<sup>6</sup> Stephenville continues to receive service from Radio Station KSTV(AM) so that community is not without any aural service.

<sup>7</sup> FM Channel 244C2 has been moved to Frankston, Texas but has not yet been constructed at that community. See MM Docket 98-37.

<sup>8</sup> Bonham, Texas continues to receive aural service from Radio Station KFYN(AM) so that community is not without aural any aural service.

to Graham, Texas. A grandfathered short-spaced situation between Stephenville and Gatesville, Texas is eliminated. A short spaced situation in Palestine, Texas is eliminated. First local service is provided to Ranger and Price, Texas and to Tecumseh and Fort Towson, Oklahoma, (a total of 4 first local aural services), all of which are significant improvements in the distribution of FM services to the various communities. In addition, the community of Bridgeport, Texas receives its first wide coverage area facility so that it can better serve its community.

Clearly this proposal offers substantial improvements in the distribution of FM services and the numerous other public interest benefits and is superior to the proposal of Graham Tollway Broadcasting Company which only proposes a third aural service to an already well served community. North Texas Radio Group, L.P. respectfully requests that its proposal be adopted and that the Graham Tollway Broadcasting Company proposal be denied.



North Texas Radio Group, L.P.  
5946 Club Oaks Drive  
Dallas, TX 75248

**COMMENTS AND COUNTERPROPOSAL**

MM Docket 99-233  
August 1999

FM Channel Study  
FM Channel 252C  
Bridgeport, Texas  
N33-25-44 W97-29-34

Exhibit E-1

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLR
ALC	Healdton	OK	249	C3	V	95.6	96.0	0.2°	-0.4
KGOKFM	Healdton	OK	249	C3	A	102.2	96.0	1.7°	6.2
ALC	Dallas	TX	250	C	U	105.0	105.0	152.6°	0.0
KBFB	Dallas	TX	250	C	L	105.5	105.0	152.2°	0.5
ALC	Lawton	OK	251	C1	U	151.4	209.0	328.4°	-57.6
KJMZ	Lawton	OK	251	C1	L	151.4	209.0	328.4°	-57.6
ALC	Bonham	TX	252	C3	U	119.1	237.0	83.1°	-117.9
ALC	Palestine	TX	252	C2	U	227.9	249.0	133.1°	-21.1
ALC	Bridgeport	TX	252	A	U	36.3	226.0	231.4°	-189.7
ALC	Gatesville	TX	252	A	U	225.7	226.0	183.5°	-0.3
ALC	Stephenville	TX	252	A	U	154.1	226.0	207.5°	-71.9
KBOC	Bridgeport	TX	252	A	L	36.3	226.0	231.4°	-189.7
KCUBFM	Stephenville	TX	252	A	A	139.5	226.0	204.7°	-86.5
KCUBFM	Stephenville	TX	252	A	L	153.4	226.0	207.8°	-72.6
KFYZFM	Bonham	TX	252	C3	L	118.8	237.0	83.3°	-118.2
KFYZFM	Bonham	TX	252	C3	C	109.8	237.0	78.6°	-127.2
KRYL	Gatesville	TX	252	A	A	221.3	226.0	185.3°	-4.7
KRYL	Gatesville	TX	252	A	L	225.7	226.0	183.5°	-0.3
KYYK	Palestine	TX	252	C2	L	229.5	249.0	133.5°	-19.5
ALC	Ardmore	OK	253	C3	U	95.0	176.0	28.4°	-81.0
KACO	Ardmore	OK	253	C3	L	91.7	176.0	24.4°	-84.3
FR ADD	Graham	TX	253	A	A	116.1	165.0	248.3°	-48.9
ALC	Dallas	TX	254	C	U	105.2	105.0	152.3°	0.2
KLUVFM	Dallas	TX	254	C	L	105.3	105.0	152.2°	0.3

All Distances in Kilometers

North Texas Radio Group, L.P.  
 5946 Club Oaks Drive  
 Dallas, TX 75248

# **COMMENTS AND COUNTERPROPOSAL**

MM Docket 99-233

August 1999

FM Channel Study  
 FM Channel 251A  
 Lawton, Oklahoma  
 N34-41-37 W98-25-32

## Exhibit E-2

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLR
KRZB	Archer City	TX	248	C1	A	74.7	75.0	266.2°	-0.3
KRZB	Archer City	TX	248	C2	A	94.6	55.0	192.5°	39.6
ALC	Tipton	OK	249	C2	A	88.6	55.0	261.9°	33.6
NEW	Tipton	OK	249	C2	D	88.6	55.0	261.9°	33.6
ALC	Lawton	OK	251	C1	U	13.2	200.0	149.7°	-186.8
KJMZ	Lawton	OK	251	C1	L	13.2	200.0	149.7°	-186.8
ALC	Elk City	OK	253	C	U	95.4	95.0	289.3°	0.4
KTIJ	Elk City	OK	253	C	C	95.4	95.0	289.3°	0.4

All Distances in Kilometers

North Texas Radio Group, L.P.  
 5946 Club Oaks Drive  
 Dallas, TX 75248

**COMMENTS AND COUNTERPROPOSAL**

MM Docket 99-233

August 1999

FM Channel Study  
 FM Channel 253A  
 Ranger, Texas  
 N32-22-55 W98-44-30

Exhibit E-3

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLR
ALC	Anson	TX	251	C1	V	93.6	75.0	274.2°	18.6
KKHR	Anson	TX	251	C1	A	109.2	75.0	286.6°	34.2
ALC	Stephenville	TX	252	A	U	50.4	72.0	114.1°	-21.6
KCUBFM	Stephenville	TX	252	A	A	60.0	72.0	100.3°	-12.0
KCUBFM	Stephenville	TX	252	A	L	49.7	72.0	113.2°	-22.3
FR ADD	Graham	TX	253	A	A	73.7	115.0	6.7°	-41.3
ALC	Dallas	TX	254	C	U	168.2	165.0	82.1°	3.2
ALC	San Angelo	TX	254	C	U	167.1	165.0	227.7°	2.1
KELI	San Angelo	TX	254	C	L	167.1	165.0	227.7°	2.1
KLUVFM	Dallas	TX	254	C	L	181.0	165.0	76.4°	16.0
KLUVFM	Dallas	TX	254	C	L	168.3	165.0	82.2°	3.3

All Distances in Kilometers

North Texas Radio Group, L.P.  
 5946 Club Oaks Drive  
 Dallas, TX 75248

**COMMENTS AND COUNTERPROPOSAL**

MM Docket 99-233  
 August 1999

FM Channel Study  
 FM Channel 251A  
 Tecumseh, Oklahoma  
 N35-13-10 W96-50-06

Exhibit E-4

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLR
ALC	Tulsa	OK	248	C	U	127.2	95.0	31.6°	32.2
KMODFM	Tulsa	OK	248	C	L	127.2	95.0	31.6°	32.2
ALC	Pauls Valley	OK	249	C3	U	69.3	42.0	214.3°	27.3
ALC	Edmond	OK	250	A	U	71.9	72.0	302.7°	-0.1
ALC	Poteau	OK	250	C	U	197.1	165.0	94.8°	32.1
KCYI	Edmond	OK	250	A	L	71.9	72.0	302.7°	-0.1
KZBB	Poteau	OK	250	C	L	197.1	165.0	94.8°	32.1
ALC	Lawton	OK	251	C1	U	155.3	200.0	243.3°	-44.7
KJMZ	Lawton	OK	251	C1	L	155.3	200.0	243.3°	-44.7
KVRO	Stillwater	OK	251	A	L	114.9	115.0	345.0°	-0.1
ALC	Tulsa	OK	253	C	U	126.8	95.0	31.8°	31.8
KVOOFM	Tulsa	OK	253	C	L	126.8	95.0	31.8°	31.8

All Distances in Kilometers

North Texas Radio Group, L.P.  
5946 Club Oaks Drive  
Dallas, TX 75248

**COMMENTS AND COUNTERPROPOSAL**

MM Docket 99-233  
August 1999

FM Channel Study  
FM Channel 252C3  
Palestine, Texas  
N31-46-17 W95-37-54

Exhibit E-5

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLR
ALC	Rusk	TX	249	C3	U	45.0	43.0	93.1°	2.0
KWRW	Rusk	TX	249	C3	L	43.9	43.0	82.9°	0.9
ALC	Groveton	TX	251	A	A	92.5	89.0	148.7°	3.5
ALC	Bryan	TX	252	A	U	141.8	142.0	208.8°	-0.2
ALC	Palestine	TX	252	C2	U	29.2	177.0	344.0°-147.8	
KORAFM	Bryan	TX	252	A	L	141.8	142.0	208.8°	-0.2
KYYK	Palestine	TX	252	C2	L	27.0	177.0	342.3°-150.0	

All Distances in Kilometers

North Texas Radio Group, L.P.  
5946 Club Oaks Drive  
Dallas, TX 75248

**COMMENTS AND COUNTERPROPOSAL**

MM Docket 99-233

August 1999

FM Channel Study

FM Channel 253A

Price, Texas

N32-07-40 W94-47-30

Exhibit E-6

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLR
ALC	Palestine	TX	252	C2	U	88.1	106.0	262.6°	-17.9
KYYK	Palestine	TX	252	C2	L	88.6	106.0	261.1°	-17.4
ALC	Clarksville	TX	253	C2	U	166.7	166.0	354.9°	0.7
ALC	Port Arthur	TX	253	C	U	231.6	226.0	173.7°	5.6
KGAP	Clarksville	TX	253	C2	L	166.1	166.0	352.7°	0.0
KTJM	Port Arthur	TX	253	C	L	231.6	226.0	173.7°	5.6
ALC	Carthage	TX	255	C1	U	78.3	75.0	68.3°	3.3
KTUX	Carthage	TX	255	C1	L	78.3	75.0	68.3°	3.3

All Distances in Kilometers

North Texas Radio Group, L.P.  
5946 Club Oaks Drive  
Dallas, TX 75248

**COMMENTS AND COUNTERPROPOSAL**

MM Docket 99-233

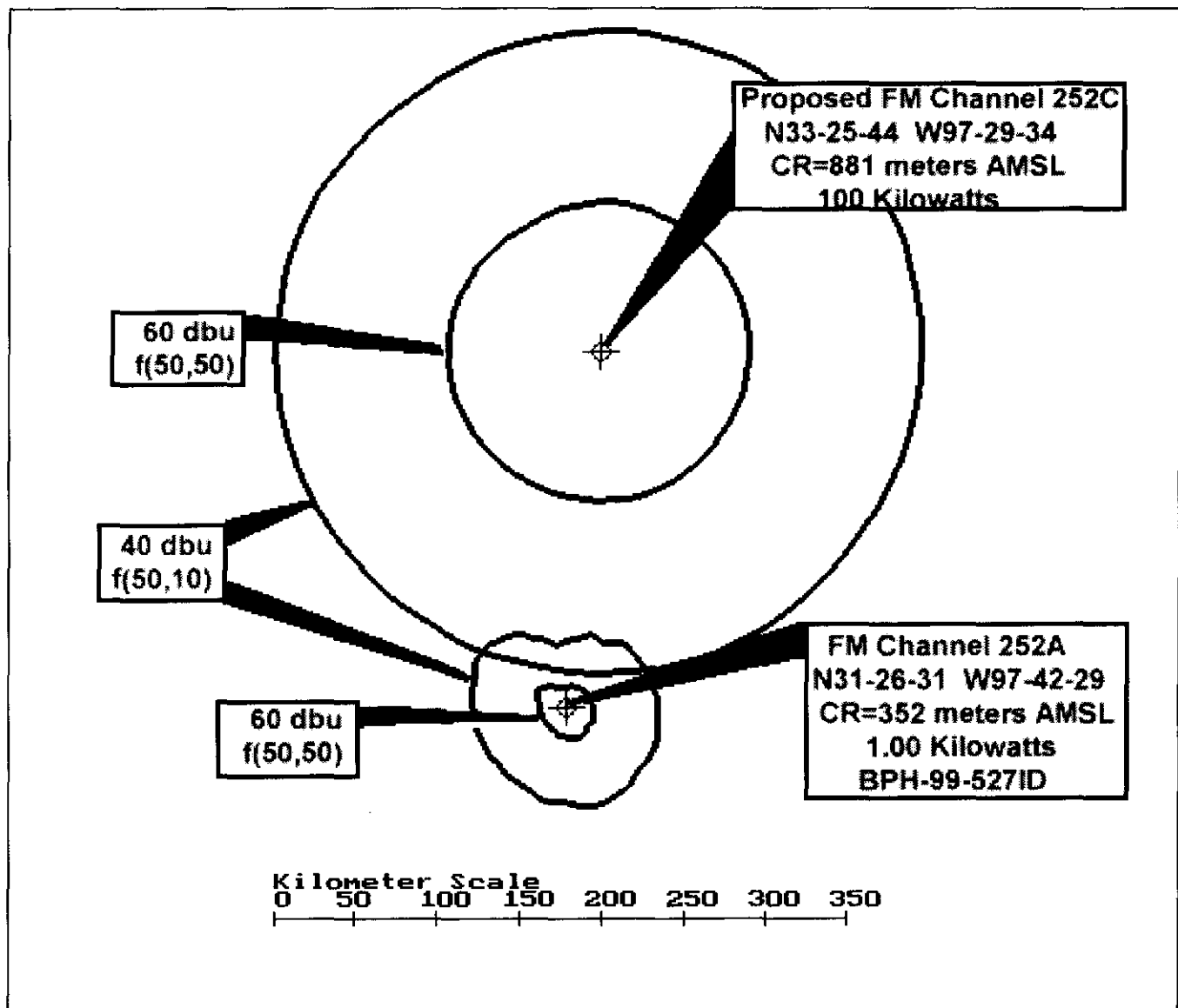
August 1999

FM Channel Study  
FM Channel 262A  
Fort Towson, Oklahoma  
N34-02-37 W95-15-54

Exhibit E-7

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLR
ALC	Fort Smith	AR	260	C	U	126.1	95.0	25.2°	31.1
KTCFSM	Fort Smith	AR	260	C	L	126.1	95.0	25.2°	31.1
KPYN	Atlanta	TX	261	C2	L	139.9	106.0	128.7°	33.9
ALC	Dallas	TX	262	C	U	226.5	226.0	224.4°	0.5
KRBV	Dallas	TX	262	C	L	226.8	226.0	224.6°	0.8
KRBV	Dallas	TX	262	C	L	226.2	226.0	224.3°	0.2

All Distances in Kilometers



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North Texas Radio Group, L.P.  
5946 Club Oaks Drive  
Dallas, TX 75248

**COMMENTS AND COUNTERPROPOSAL**

MM Docket 99-233  
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Exhibit E-8  
Contour Overlap 73.215 Study



North Texas Radio Group, L.P.  
5946 Club Oaks Drive  
Dallas, TX 75248

**COMMENTS AND COUNTERPROPOSAL**

MM Docket 99-233  
August 1999

Exhibit E-9  
Gatesville, Texas Application  
File Number BPH-990527  
Cover Letter  
Page 19 of FCC Form 301

# Wiley, Rein & Fielding

# ORIGINAL

1776 K Street, N.W.  
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(202) 719-7000

**Gregory L. Masters**  
(202) 719-7370  
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Fax: (202) 719-7049  
www.wrf.com

May 27, 1999

## **DELIVERY VIA COURIER TO MELLON BANK**

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
12<sup>th</sup> Street Lobby, TW-A325  
Washington, DC 20554

**Re: Application for Minor Modification of Facilities  
KRYL(FM), Gatesville, Texas  
(FCC Form 301)**

Dear Ms. Salas:

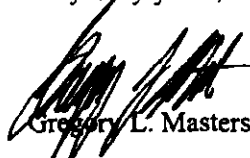
Transmitted herewith in triplicate on behalf of Capstar Royalty II Corporation ("Capstar") is an application on FCC Form 301 for minor modification of the facilities of radio station KRYL(FM), Gatesville, Texas. As noted in an Exhibit to this application, the instant application and an application being simultaneously filed by Capstar TX Limited Partnership for minor modification of the facilities of station KVET-FM, Austin, Texas, are being submitted as coordinated and contingently related facilities change applications pursuant to Section 73.3517(e) of the Commission's Rules, as revised in 1998 *Biennial Regulatory Review - Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, MM Docket No. 98-93, FCC 99-55 (released March 30, 1999).

Please note that Capstar is the proposed assignee of station KRYL(FM) in an FCC Form 314 application presently pending before the Commission. See File No. BALH-990329GN, as amended by major amendment File No. BALH-990510EA. Pursuant to Section 73.3517(a) of the Commission's rules, appended to this letter is a statement whereby LDR Broadcasting, Ltd., the present licensee and proposed assignor of KRYL(FM), has granted its consent to Capstar's filing of this application.

A check in the amount of \$725.00, payable to the Federal Communications Commission, along with an FCC Form 159, accompanies this application to cover the required filing fee.

Should there be any questions concerning this matter, please contact the undersigned.

Very truly yours,



Gregory L. Masters

Attachments  
78631-3

**Section V-B - FM BROADCAST ENGINEERING DATA (Page 3)**

10. Does this proposal modify a new unbuilt construction permit for an unbuilt, unlicensed facility?

☐ Yes ☒ No

If Yes, submit an Exhibit demonstrating compliance with 47 C.F.R. Section 73.3535 that includes a certification that construction will commence immediately upon grant of the construction permit application.

Exhibit No.  
-----

11. Is a directional antenna proposed?

☒ Yes ☐ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s), and tabulations of the relative field.

Exhibit No.  
B

12. Will the proposed facility satisfy the requirements of 47 C.F.R. Section 73.315(a) and (b)?

☐ Yes ☒ No

If No, attach as an Exhibit a request for waiver and justification therefore, including amounts and percentages of population and area that will not receive 3.16 mV/m (70 dBu) service.

Exhibit No.  
See Narrative

13. Will the main studio be within the protected 3.16 mV/m (70dBu) field strength contour of this proposal?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.  
---

14. Is this application being filed as a One-step proposal pursuant to the Report & Order in MM Docket 92-159, 8 FCC 2d 4735 (released July 13, 1993)?

☐ Yes ☒ No

If Yes, list the proposed allotment site coordinates to the nearest second below and attach an Exhibit demonstrating that the proposed allotment site is in compliance with the allotment standards. The Exhibit must contain: (1) an allotment site map that complies with the requirements of the April 5, 1985, Public Notice, Mimeo 3693, or a statement that the allotment site will be located on an existing tower; (2) a city coverage map, showing the allotment site is in compliance with 47 C.F.R. Section 73.315; (3) a showing demonstrating that the allotment site meets the minimum distance separation requirements of 47 C.F.R. Section 73.207; and (4) a statement that the proposed allotment site is suitable for tower construction.

Exhibit No.  
-----

The coordinates for the proposed allotment site are:

Latitude	°	'	"	Longitude	°	'	"
----------	---	---	---	-----------	---	---	---

15. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207?

☐ Yes ☒ No

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply?

☐ Yes ☒ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.

Exhibit No.  
-----

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.  
D

(e) Is authorization pursuant to 47 C.F.R. Section 73.215 requested?

☒ Yes ☐ No

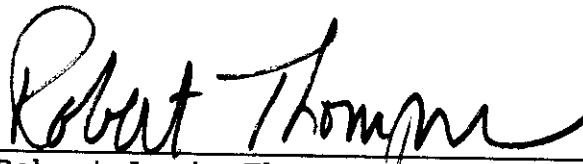
If the answer to (e) is Yes, attach as an Exhibit a complete engineering study demonstrating compliance with the minimum spacing requirements of 47 C.F.R. Section 73.215(e) and lack of prohibited overlap with the affected stations. The engineering study must include the following:

Exhibit No.  
E

**Certificate of Service**

I, Robert Thompson, counsel for NTRG, certify that I served this date a copy of the foregoing **Counterproposal** on counsel for the Petitioner by first class mail at the address below:

Audrey P. Rasmussen, Esq.  
1919 Penn. Ave., NW, Suite 800  
Washington, DC 20554

  
Robert Lewis Thompson